

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON, OHIO

ELWOOD H. JONES

Case No. 1:01-cv-564

Petitioner

District Judge Thomas M. Rose

v.

Chief Magistrate Judge Michael R. Merz

MARGARET BAGLEY, Warden,

Respondent.

Elwood H. Jones's Motion to Expand Record

Pursuant to HAB. R. 7, and the conferences with the Court and counsel, Elwood H. Jones moves this Court for an order supplementing the record with by submitting the the following documents:

1. Files from the Hamilton County Prosecutor's Office, Exhibit 1 in 2006 depositions (Ham_Pros_01.pdf, Ham_Pros_02.pdf, Ham_Pros_03.pdf, Ham_Pros_04.pdf, Ham_Pros_05.pdf, & Ham_Pros_06.pdf);
2. Files from the Blue Ash Police Department, Exhibit 2 in 2006 depositions (BAPD_01.pdf, BAPD_02.pdf, BAPD_03.pdf, BAPD_04.pdf, & BAPD_05.pdf);
3. Files from Hamilton County Coroner, Exhibit 3 in 2006 depositions (CoronerFile.pdf);
4. Deposition of Dan Noonan, September 30, 2002 (Depo_Noonan.pdf);
5. Deposition of Mark Piepmeier on January 1, 2003 (20030129_Depo_Piepmeier.pdf);
6. Deposition of Mark Piepmeier on April 6, 2004 (20040406_Depo_Piepmeier.pdf);
7. Deposition of Seth Tieger on April 6, 2004 (20040406_Depo_Tieger.pdf);
8. Deposition of Mark Piepmeier on February 1, 2006 (20060201_Depo_Piepmeier.pdf);

9. Deposition of Seth Tieger on February 1, 2006 (20060201_Depo_Tieger.pdf);
10. Deposition of Julius F. Sanks on March 7, 2006 (20060307Depo_Sanks.pdf);
11. Deposition of Catherine Adams on March 14, 2006 (20060314_Depo_Adams.pdf)
12. Errata Sheets from depositions, February 1, 2006 (Errata-Sheets.pdf);
13. First Sheets of Exhibits 1, 2 & 3 and the entire Exhibit 2A and 2B from Depositions taken on February 2, March 7 and March 14, 2006 (Depo_Ex_FirstPages.pdf). and
14. Defense attorney trial files (AttorneyFiles.pdf).

**Elwood H. Jones's Memorandum in Support of
Motion to Expand Record**

The Warden does not oppose this motion.

This lack of opposition is subject to an exception to one page: Exhibit 2A from Depo_Ex_FirstPages.pdf. This exhibit is from the depositions taken in 2006. Petitioner has asserted that Exhibit 2A was not produced in these proceedings and speculated that it had been provided to Mr. Jones directly. This is not true! Counsel for the Warden pointed out that this was filed by Petitioner's prior counsel in Dkt. 20, as an attachment to an affidavit. The affidavit explains the page's background. Nonetheless, the document has not been authenticated by the Hamilton County Coroner.

Some of these documents were referenced in the Traverse. We are not submitting these documents on paper because of the volume of paper. Instead we are submitting them on CD-ROM; they are in the Expansion Documents directory. For the convenience of the Court and the Warden's counsel, we are also submitting scanned copies of the record filed by the Warden earlier in the case;

they are in the Additional Documents directory; these documents do not replace the officially filed copies.

Thus, this Court should grant the motion to supplement the record.

Respectfully Submitted,

s/Michael L. Monta

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s/Gary W. Crim

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Certificate of Service

I, Gary W. Crim, counsel for Elwood H. Jones, certify that on September 13, 2007, I served a copy of this Motion to Expand Record on Counsel for the Warden, Sarah A. Hadacek and Stephen E. Maher, by emailing it to shadacek@ag.state.oh.us; smaher@ag.state.oh.us.

s/Gary W. Crim

GARY W. CRIM